

IDAPA 08 - BOARD OF AND DEPARTMENT OF EDUCATION

08.02.02 - RULES GOVERNING UNIFORMITY

DOCKET NO. 08-0202-0803

NOTICE OF RULEMAKING - PROPOSED RULE

AUTHORITY: In compliance with Section 67-5221(1), Idaho Code, notice is hereby given that this agency has initiated proposed rulemaking procedures. The action is authorized pursuant to Section(s) 33-105 and 33-107, Idaho Code and Sections 33-1508 and 33-1511, Idaho Code and Sections 33-1201 and 33-1258, Idaho Code.

PUBLIC HEARING SCHEDULE: Public hearing(s) concerning this rulemaking will be held as follows:

TUESDAY - OCTOBER 21, 2008 - 1:00 p.m.

**STATE DEPARTMENT OF EDUCATION
Lewis & Clark Conference Room
Len B. Jordan Building, 2nd Floor
650 West State Street, Boise, ID**

The hearing site(s) will be accessible to persons with disabilities. Requests for accommodation must be made not later than five (5) days prior to the hearing, to the agency address below.

DESCRIPTIVE SUMMARY: The following is a nontechnical explanation of the substance and purpose of the proposed rulemaking:

1. The two documents that are being modified that are incorporated by reference in this rule are the Standards for Idaho School Buses and Operations (SISBO) and the Idaho Standards for the Initial Certification of Professional School Personnel.
2. The majority of the changes to the SISBO reflect revisions to the National Standards and include a structure for referencing paragraphs. The change in depreciation schedule would benefit a few rural school districts that have bus routes that are particularly long and rough. Buses on these routes have a shorter life span. The option to use a depreciation schedule based on mileage and type of use rates would allow a district with one of these routes to receive their reimbursement at a potentially faster rate that more closely matches the actual life span of the bus. These worn out buses are currently kept and left unused by the districts until the end of the traditional 12 year life expectancy; during this time the school must still pay for maintenance and inspect the bus every sixty days. The district is subject to financial penalty if the bus is sold or traded in before the end of the depreciation schedule.
3. Idaho Standards for the Initial Certification of Professional School Personnel are used for postsecondary programs in the preparation of these individuals. The change to the standards for school counselors clarifies that the Idaho Comprehensive School Counseling Program Mode is based on the American School Counselor Association national standards. Changes to the school psychologist standards more accurately reflect the school psychologist's role in a school both with students and with other school staff. Changes were also made to better reflect current professional terminology for school psychologists.

FEE SUMMARY: The following is a specific description of the fee or charge imposed or increased: N/A

FISCAL IMPACT: The following is a specific description, if applicable, of any negative fiscal impact on the state general fund greater than ten thousand dollars (\$10,000) during the fiscal year resulting from this rulemaking: N/A

NEGOTIATED RULEMAKING: Pursuant to Sections 67-5220(1) and (2), Idaho Code, negotiated rulemaking was conducted. The Notice of Intent to Promulgate Rules - Negotiated Rulemaking was published in the July 2, 2008 Idaho Administrative Bulletin, Vol. 08-7, page 27. For Idaho Standards for the Initial Certification of Professional School Personnel, pursuant to Section 67-5220(1), Idaho Code, negotiated rulemaking was conducted. This proposed

rule change was brought before the Standards Committee of the Professional Standards Commission. It was presented and discussed, amended, and revisited. The final version was then proposed to the entire Professional Standards Commission for a vote.

ASSISTANCE ON TECHNICAL QUESTIONS, SUBMISSION OF WRITTEN COMMENTS: For assistance on technical questions concerning the proposed rule, contact Ray Merial for the SISBO at (208) 332-6855 or Christina Linder for the Idaho Standards for the Initial Certification of Professional School Personnel at (208) 332-6886.

Anyone may submit written comments regarding this proposed rulemaking. All written comments must be directed to the undersigned and must be delivered on or before October 22, 2008.

DATED this 18th Day of August, 2008.

Tom Luna
Superintendent of Public Instruction
State Department of Education
650 West State St, 2nd Floor
PO Box 83720, Boise, ID 83720-0027
(208) 332-6812; f (208) 334-2228

THE FOLLOWING IS THE TEXT OF DOCKET NO. 08-0202-0803

004. INCORPORATION BY REFERENCE.

The State Board of Education adopts and incorporates into its rules: (4-5-00)

01. Incorporated Document. The Idaho Standards for the Initial Certification of Professional School Personnel as approved in ~~April 2006~~ August 2008. (~~3-30-07~~)()

02. Document Availability. The Standards are available at the Office of the State Board of Education, 650 W. State St., PO Box 83720, Boise, Idaho 83720-0037, and can also be accessed electronically at <http://www.idahoboardofed.org>. (3-16-04)

03. Incorporated Document. The Standards for Idaho School Buses and Operations as approved on ~~November 1, 2006~~ August 2008. (~~3-30-07~~)()

04. Document Availability. The Standards for Idaho School Buses and Operations are available at the Idaho State Department of Education, 650 W. State St., Boise Idaho, 83702 and can also be accessed electronically at <http://www.sde.idaho.gov>. (~~7-1-02~~)()

05. Incorporated Document. The Idaho Standards for Public School Driver Education and Training as approved on August 13, 2004. (4-6-05)

06. Document Availability. The Idaho Standards for Public School Driver Education and Training are available at the Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702. (5-3-03)

07. Incorporated Document. The Idaho Standards for Commercial Driving Schools as approved on March 10, 2005. (4-11-06)

08. Document Availability. The Idaho Standards for Commercial Driving Schools is available at the

Idaho State Department of Education, 650 W. State St., Boise, Idaho, 83702.

(3-14-05)

(BREAK IN CONTINUITY OF SECTIONS)

150. TRANSPORTATION.

Minimum School Bus Construction Standards. All new school bus chassis and bodies must meet or exceed Standards for Idaho School Buses and Operations as approved on ~~November 1, 2006~~ August 6, 2008, as authorized in Section 33-1511, Idaho Code. ~~(3-30-07)~~(____)

151. -- 159. (RESERVED).

160. MAINTENANCE STANDARDS AND INSPECTIONS.

01. Safety. School buses will be maintained in a safe operating condition at all times. Certain equipment or parts of a school bus that are critical to its safe operation must be maintained at prescribed standards. When routine maintenance checks reveal any unsafe condition identified in the Standards for Idaho School Buses and Operations as approved on ~~November 1, 2006~~ August 6, 2008, the school district will eliminate the deficiency before returning the vehicle to service. ~~(3-30-07)~~(____)

02. Annual Inspection. After completion of the annual school bus inspection, and if the school bus is approved for operation, an annual inspection sticker, indicating the year and month of inspection, will be placed in the lower, right-hand corner of the right side front windshield. The date indicated on the inspection sticker shall correlate to State Department of Education's annual school bus inspection certification report signed by pupil transportation maintenance personnel and countersigned by the district superintendent. (Section 33-1506, Idaho Code) (7-1-02)

03. Sixty-Day Inspections. At intervals of not more than sixty (60) calendar days, excluding documented out-of-use periods in excess of thirty (30) days, the board of trustees shall cause inspection to be made of each school bus operating under the authority of the board. Except that, no bus with a documented out-of-use period in excess of sixty (60) days shall be returned to service without first completing a documented sixty (60) day inspection. Annual inspections are considered dual purpose and also meet the sixty (60) day inspection requirement. (Section 33-1506, Idaho Code) (7-1-04)

04. Documentation of Inspection. All inspections will be documented in writing. Annual inspections must be documented in writing on the form provided by the State Department of Education. (4-1-97)

05. Unsafe Vehicle. When a bus has been removed from service during a State Department of Education inspection due to an unsafe condition, the district will notify the State Department of Education on the appropriate form before the bus can be returned to service. When a bus has been found to have deficiencies that are not life-threatening, it will be repaired within thirty (30) days and the State Department of Education notified on the appropriate form. If the deficiencies cannot be repaired within thirty (30) days, the bus must be removed from service until the deficiencies have been corrected or an extension granted. (7-1-02)

06. Withdraw from Service Authority. Subsequent to any federal, national, or state advisory with good cause given therefor, the district shall, under the direction of the State Department of Education, withdraw from service any bus determined to be deficient in any prescribed school bus construction standard intended to safeguard life or minimize injury. No bus withdrawn from service under the provisions of this section shall be returned to service or used to transport students unless the district submits to the State Department of Education a certification of compliance specific to the school bus construction standard in question. (Section 33-1506, Idaho Code) (7-1-04)

161. -- 169. (RESERVED).

170. SCHOOL BUS DRIVERS AND VEHICLE OPERATION.

All school districts and school bus drivers must meet or exceed the training, performance and operation requirements delineated in the Standards for Idaho School Buses and Operations as approved on ~~November 1, 2006~~ August 6,

2008. (Section 33-1508; 33-1509, Idaho Code)

~~(3-30-07)~~(____)

(BREAK IN CONTINUITY OF SECTIONS)

190. PROGRAM OPERATIONS.

School district fiscal reporting requirements as well as reimbursable and non-reimbursable costs within the Pupil Transportation Support Program, including but not limited to administration, field and activity trips, safety busing, contracting for transportation services, leasing of district-owned buses, insurance, ineligible and non-public school students, ineligible vehicles, capital investments including the purchasing of school buses and equipment, program support and district waiver procedures shall be delineated in Standards for Idaho School Buses and Operations as approved on ~~November 1, 2006~~ August 6, 2008. (Section 33-1006, Idaho Code)

~~(3-30-07)~~(____)